

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ROBERT JORDAN, ROBERT McKAY,  
and THE MBTA POLICE  
PATROLMAN'S UNION,

Plaintiffs,

vs.

Civil Action No. 04-10927-RGS

JOSEPH C. CARTER, individually and  
as Chief of the MBTA Police Department,  
and THE MBTA POLICE  
DEPARTMENT,

Defendants.

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**DEFENDANTS' INITIAL DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1), defendants Chief Joseph C. Carter and the MBTA Police Department ("defendants") hereby respond to the best of their knowledge at this time, to each of the disclosure requirements set forth below.

**GENERAL PROCEDURE**

1. The information provided in these Disclosures relates to the claims and defenses as set forth in the Complaint and Answer in the above-captioned action.
2. Defendants reserve the right to supplement and revise the responses herein as further responsive information is learned through discovery.
3. Defendants do not waive, and expressly reserve, their right to object to the production of any documents or other information identified hereinto the extent permitted by law.

**SPECIFIC DISCLOSURES**

A. Individuals with Discoverable Information

Based upon the information available at the present time, defendants state that the following are the principal individuals with discoverable information responsive to the requirements of Fed. R. Civ. P. 26(a)(1)(A):

Ronald Jordan  
Robert MacKay  
Joseph C. Carter  
Stephen Douglas  
William Fleming  
Douglas Hennessey  
Nancy O'Loughlin  
Dolores Ford-Murphy  
Thomas McCarthy  
Caroline Sawyer

B. Categories of Documents

Pursuant to Fed. R. Civ. P. 26(a)(1)(B), defendants hereby provide a description by category and location of documents in their possession, custody, or control that may be used to support their claims and defenses. All documents are located at the offices of defendants or of defendants' counsel, and most or all of the documents are also in the possession of the plaintiffs or their counsel:

1. Tapes of recorded telephone calls to which one or both of the plaintiffs were parties, and transcripts of those recordings
2. Transcripts of testimony given at the joint hearing held on May 20, 2004 at the MBTA Police Department concerning the plaintiffs and at which they testified
3. Exhibits submitted to the hearing officer at the May 20, 2004 hearing
4. Exhibits submitted to the hearing officer at the May 11, 2004 hearing concerning Lieutenant William C. Fleming

5. Decisions of the hearing officer in the administrative hearings concerning plaintiffs, Lieutenant Fleming, and Officer Douglas Hennessey
6. To the extent not included above, documents identified in the disclosure statements filed by other parties

C. Computation of Damages

Defendants do not seek damages.

D. Insurance Agreements

Based upon the information available at the present time, there is no applicable insurance agreement concerning claims against the defendants.

Respectfully submitted,

MBTA POLICE DEPARTMENT  
CHIEF JOSEPH C. CARTER

By their attorneys,

/s/ Mark W. Batten  
Mark W. Batten  
PROSKAUER ROSE LLP  
One International Place, 14<sup>th</sup> Floor  
Boston, MA 02110  
(617) 526-9850

Dated: August 6, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, either through the electronic filing process or by first-class mail, postage prepaid, this 6<sup>th</sup> day of August, 2004.

/s/Mark W. Batten

Mark W. Batten